IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

MONDAY, THE 15TH OCTOBER 2007 / 23RD ASWINA 1929

LA.App..No. 1502 of 2003()

LAR.138/2000 of SUB COURT, PAYYANNUR
.....

APPELLANT: RESPONDENT

STATE OF KERALA

BY GOVERNMENT PLEADER SRI.K.V.MANOJ KUMAR
ADVOCATE GENERAL

RESPONDENTS: CLAIMANT

KANDAMBATH APPADA VEETTIL
VIJAYALAKSHMI,
"SEEJA NIVAS", VELLOOR AMSOM,
ANOOR DESOM,
ANNOOR.P.O.

BY ADV. SRI.M.V.AMARESAN
SRI.V.N.RAMESAN NAMBISAN

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 15/10/2007 ALONG WITH LAA NO. 1116 OF 2005 THE COURT ON 15/10/2007 DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A. NO. 1502 OF 2003

Dated this the 18th day of October, 2007.

J U D G M E N T

Kurian Joseph, J.

This is an appeal filed against the judgment and decree in L.A.R. No. 138/2000 on the file of the Sub Court, Payyannur. Acquisition is for the purpose of Payyannur Stadium.

2. The reference court has relied on Exhibit A1 document for fixing the market value. Learned Government Pleader submits that in a similar matter in similar situation, this Court has remanded L.A.R. No. 126/2000 to the reference court by judgment in L.A.A. No. 296/2004 dated 25.09.2007. We also notice that Payyannur Municipality is not made a party to the proceedings.

For all the above reasons, we set aside the judgment and decree in L.A.R. No. 138/2000 and remit the matter to the reference court with a direction to implead Payyannur Municipality as a respondent in the proceedings. The reference

shall be disposed of within a period of six months from today. The records and the judgment shall be forwarded to the reference court immediately.

KURIAN JOSEPH
JUDGE

HARUN-UL-RASHID
JUDGE

smp